THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22857 OF 2005

Dt.25.10.2005

Between:

Bathula Venkata Sivaraghava Rao … Petitioner

And

The Government of Andhra Pradesh, rep. By its

Secretary, Endowments Department, Secretariat buildings,

Hyderabad and 5 others. … Respondents

ORDER:

This writ petition is filed for a limited purpose for granting stay of the order of the Deputy Commissioner, Endowments Department, Guntur, 4th respondent herein, in O.A.No.48 of 2003 dated 24.4.2004 pending disposal of the Revision Petition No.6 of 2005 on the file of the Regional Joint Commissioner, Department of Endowments, Tirupati, 3rd respondent herein.

The learned counsel for the petitioner submits that the Deputy Commissioner,

Endowments Department, Guntur passed the order in O.A.No.48 of 2003 ex parte and therefore, he is entitled for stay of operation of the said order pending disposal of R.P.No.6 of 2005 before the 3rd respondent.

A perusal of the order of the 4th respondent goes to show that notices were issued on the petitioner and reply was also given and the petitioner is also permitted to file application and in fact the writ appeal filed by the petitioner was dismissed and the petitioner is ex office holder within the meaning of Section 133(1)(c) of the Act 30 of 1987 and he has failed to handover the charge of the petition schedule property to the present Executive Officer and therefore the Certificate was issued as prayed for under Section 133(2)(b) of the said Act.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, which would hamper the merits in the revision, the 3rd respondent is directed to dispose of R.P.No.6 of 2005 as expeditiously as possible. However, I am not inclined to stay the operation of the order in O.A.No.48 of 2003 dated 24.4.2004 passed by the 4th respondent.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(V.ESWARAIAH, J.)

25.10.2005

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